

REMARKS

At the time the current Official Action was mailed, the Examiner rejected claims 1-10 and 12-34. Claims 1-10 and 12-34 remain pending. Claim 11 was cancelled in a prior communication. Applicant respectfully requests reconsideration of the application in view of the remarks set forth below.

Rejections under 35. U.S.C. § 103

The Examiner rejected claims 1-10 and 12-34 under 35 U.S.C. § 103 as being unpatentable over Ross et al. (U.S. Publication No. 2004/0203919, hereafter referred to as “Ross”) in view of Green et al. (U.S. Pub No. 20010051973, hereafter referred to as “Green”). Specifically, the Examiner stated:

As to claims 1, 21, Ross et al. disclose a telematics assembly comprising an input device configured to receive a point of interest (POI) (See paragraph 0039); a communication device configured to initiate communication with a database having data related to the POI (See paragraph 0025, 0029; page 6, second column at claim 23); and a receiving device configured to receive the data related to the POI from the database (See paragraph 0036). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

As to claim 8, Ross et al. disclose a telematics system for use by an individual comprising an input device configured to receive a point of interest (POI) for facilitating transmittal of a request to a database having information about a location of the POI

(See paragraph 0039), the database being configured to provide the information about the location of the POI in response to the request; a receiving device configured to receive the information about the location of the POI from the database (See paragraph 0025, 0036); a navigation device configured to determine a location of the individual to provide output data comparative of the location of the individual and the location of the POI; and an output device (display) configured to present the output data to the individual (See Fig. 1). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

As to claim 14, Ross et al. disclose a telematics system for use by an individual comprising a vehicle (See paragraph 0019); and a navigation system located in the vehicle comprising an input device configured to receive and to represent a point of interest (POI) for facilitating transmittal of a request to a database having data related to the POI, the database being configured to provide the data related to the POI in response to the request; (See paragraph 0030). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

As to claims 24, 27-34, Ross et al. disclose a method of obtaining information regarding a point of interest and a computer program on a tangible medium the program being configured for use with a telematics device in communication with a database having data regarding a point of interest comprising an input means to represent a POI into a telematics device (See paragraph 0046, 0056, page 6 at claim 13); Ross et al. disclose a specific point of interest (location of interest) and have the system provide a direction (travel direction between the POI and the telematics device) (See Paragraph 0006). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

Official Action, pages 2-6.

Prior to addressing these rejections, Applicant would like to remind the Examiner that “the Examiner should never overlook the importance of his or her role in allowing claims which properly define the invention.” M.P.E.P. § 706. Applicant would like to note that the present application has been pending for almost three years, and in that period the Examiner has rejected the original claims three times. Applicant has not amended the claims for any reasons related to patentability, and Applicant has repeatedly argued the same deficiency of the cited art, specifically the lack of an “arbitrary code” to obtain information regarding a POI as recited in all independent claims. In view of the remarks set forth below, Applicant respectfully submits that the claimed subject matter is patentable over the prior art. As such, Applicant respectfully submits that the Examiner has failed to allow claims that clearly distinguish over the art, as

required by M.P.E.P. § 706. Therefore, at this time, Applicant respectfully solicits and expects an allowance of claims 1-10 and 12-34. If the Examiner chooses to maintain this rejection of claims 1-10 and 12-34, Applicant respectfully requests a telephonic interview with the Examiner and the Examiner's supervisor prior to the issuance of another Official Action.

As mentioned above, Applicant respectfully traverses these rejections. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

As discussed previously and as admitted by the Examiner, Ross does not disclose the use of an "arbitrary code" to obtain information relating to a POI. *See* Office Action, page 2. Green does nothing to obviate the deficiencies of Ross with regard to the use of an "arbitrary code" as recited in independent claims 1, 8, 14, 21, 27, 32, and 33. The "arbitrary code" does not necessarily alphabetically or alphanumerically substantially correspond to the name of the POI. *See* Application, page 2. In contrast, Green discloses the use of a "location

code,” that contains “locational and categorical information on every POI that is selected.”

See Green, paragraph [0029]. Green further explains that the location code is “based on four attributes, each represented numerically...” *See* Green, paragraph [0040]. Finally, Green discloses additional embodiments of a location code, all of which include “additional attributes...such that the location code provides the ability to trigger specific location information, such as returning only facsimile numbers, or forms of payments.” *See* Green, paragraph [0042]. This is far different than an “arbitrary code” as recited in the present claims. Accordingly, the cited references, taken alone or in combination, do not disclose or suggest all of the elements of the claimed invention, and thus cannot possibly render the claimed subject matter obvious. Applicant respectfully requests withdrawal of the Examiner’s rejection and allowance of claims 1-10 and 12-34.

Conclusion

In view of the remarks set forth above, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: January 16, 2007


Michael G. Fletcher
Reg. No. 32,777
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545